

Postal Regulatory Commission

Washington, D.C. 20268-0001

NOTICE OF FILING UNDER 39 U.S.C. § 404(d)

TO THE UNITED STATES POSTAL SERVICE:

Please take notice that on November 29, 2011, the Commission received a petition for review of the Postal Service's determination to close the Alplaus post office located in Alplaus, New York. The petition for review was filed by Andy Gilpin (Petitioner) and is postmarked November 25, 2011.

This notice is advisory only and is being furnished so that the Postal Service may begin assembling the administrative record in advance of any formal appeal proceedings held upon the alleged (closing/consolidation) for transmittal pursuant to 39 CFR § 3001.113(a) (requiring the filing of the record within 15 days of the filing with the Commission of a petition for review).



Ruth Ann Abrams
Acting Secretary

Date: December 13, 2011

Attachment

November 21, 2011

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RECEIVED

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Postal Regulatory Commission
901 New York Avenue N.W., Ste 200
Washington DC 20268-0001

POSTAL REGULATORY
COMMISSION
OFFICE OF THE SECRETARY

Received

re: Closure of Alplaus Community Post Office
Contract No. 089480-02-Z-0155

NOV 29 2011

Dear Sirs/Mesdames:

Office of PAGR

The Postal Service has informed us of a decision to close the Alplaus Community Post Office by January 6, 2012. This action is being taken by USPS, it says, as a result of a collective bargaining agreement recently entered into with the United Postal Workers Union.

The Postal Service's decision to close our Post Office and provide mail delivery service raises questions concerning the sanctity of the mail and the risks involved in rural box delivery. We also foresee inconveniences in purchasing money orders and stamps and sending accountable mail. We have the same concerns regarding the receipt of accountable mail, such as certified letters, registered letters and COD's.

Our specific objections to the method in which USPS has chosen to close our Post Office are as follows:

1. USPS failed to follow proper procedures as set forth in 39 US Code Section 404(d) concerning the closure "of any Post Office . . ." in that USPS did not provide adequate notice of its intention to close the Alplaus Community Post Office at least 60 days prior to the proposed date of such closing to persons served by such Post Office, including those who have signed below, to insure that such persons will have a opportunity to present their views. The first notice any of the undersigned received concerning the intended closure was after USPS sent the contract Postmaster, Kathleen Boyle, a letter dated October 28, 2011, which letter she received on November 4, 2011 (see copy attached) notifying her of the closure. There was no invitation for public comment of any kind in that letter nor in any posting or other correspondence with any of the undersigned.
2. USPS did not consider the effect of such closing on the community served by the Post Office or whether such closing is consistent with a policy of the government, so as to provide a maximum degree of effective and regular postal service to the Alplaus Community, nor the loss of revenue, nor lack of economic savings, to USPS resulting from such closure, as is required by 39 USC Section 404 (d)2. In fact, no explanation was given in the letter for the closure except that it was required by the terms of a collective bargaining agreement with the United Postal

Workers Union. After we were notified of the intended closure we received a personal visit from a local UPW official who told us that the closure was not requested by UPW and was, in fact, simply offered to UPW by USPS in a recent collective bargaining session.

3. With respect to the effect of the closure on those served by the Alplaus Community Post Office, that effect is serious and negative in that there is no good alternative for the residents of the Alplaus Postal District for mail services. The closest alternative Post Office is in another town, on a main New York State highway, where postal rental boxes are only available in limited numbers as most of the available boxes are already rented. Additionally, many Alplaus residents, especially elderly postal customers, walk to the Post Office and either cannot drive or prefer not to drive to another town in order to send and receive their mail and to purchase other postal services. Neither do any of the current postal box rental customers want to bear the expense of installing a rural delivery box or digging a post hole when winter is upon us.
4. Many of the undersigned Alplaus Community Post Office customers do not want rural delivery due to security concerns inasmuch as access to private rural boxes can be gained by anyone. Many of the undersigned have either home businesses or operate actual commercial businesses and cannot leave valuable packages and/or mailings in an insecure rural mailbox. This fact, combined with the lack of available rental boxes in alternative Post Offices presents a serious problem for many of the undersigned customers of the Alplaus Community Post Office.
5. USPS has not considered the loss of revenue it will incur by closing the Alplaus Community Post Office. The Alplaus Post Office generates approximately \$40,000.00 of profit for USPS each year. This profit is calculated by subtracting the Contract Postmaster's salary of \$22,000.00 from the gross annual revenues of approximately \$62,000.00. USPS has no expenses related to the operation of the Alplaus Community Post Office except to have one of its employees drop off a bag of mail each morning and another employee pick up a bag of mail each evening, as part of their normal route. The \$40,000.00 annual profit for USPS will not be recovered by other post offices because there are not enough rental boxes in those other post offices. Additionally, USPS will have to pay more to the rural delivery postal employees to serve those homes added to the rural delivery routes as a result of the closure of the Alplaus Community Post Office. There is also a UPS Store located at about the same distance from the Alplaus Community Post Office as the closest alternative post office.
6. In sum, the undersigned feel that USPS has failed in its obligations under 39 US Code Section 404 to provide proper notice to the customers affected by the closure, or to properly consider the effects of such closure or to notify any of the affected postal customers of the reasons for its actions, other than to simply blame the closure on the United Postal Workers Union.

Please consider this a formal Petition, as set forth in 39 USC Section 404(d)5, that the determination of the Postal Service to close the Alplaus Community Post Office is: (a) arbitrary, capricious, and an abuse of discretion, and otherwise not in accordance with the law; (b) without observance of procedure required by law, and (c) unsupported by substantial evidence on the record.

Thank you.

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